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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/009,152

05/07/2002

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450101-03306

8644

20999 7590 08/18/2009
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EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

08/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/009,152	Applicant(s) TAKAGI ET AL.	
	Examiner SAHAR A. BAIG	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new art rejection. However, the previous rejection under 35 USC § 101 is withdrawn. Although the Applicant inserted the phrase "executed by a processor" to overcome the previous 35 USC § 101 rejection of claims 4, 5, 6, 9, 10, 15, 16, 19, 20, 23, 24, 27, 28, 30, and 32, the rejection has been withdrawn because it is understood in the art that the making of an essence after acquiring audio and video data is a process that inherently uses a machine.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth et al. US Patent No. 6,311,194 in view of Meyerzon et al. US Patent No. 6,199,081.

Regarding Claims 1-6, 26, 27, and 28 Sheth discloses an asset management method/system for managing an essence, comprising **[Col. 4 lines 54-57]**:

acquisition means for acquiring video and audio data used to create the essence **[Col. 6 lines 59-60]**, means for creating said essence **[Col. 4 lines 63-64]** and for generating metadata for explaining said essence when creating said essence **[Col. 5 lines 5-7]** means for archiving said essence and the metadata correlatively with each other **[Col. 4 line 67 – Col. 5 line 2 *metabase is an archive (recordings) of metadata*]** and means for controlling an operation performed on the archived essence based on said metadata to realize asset management for said essence **[Col. 5 lines 7-12]**.

Although Sheth fails to explicitly mention that the archiving means issues and archives a tag specifying the metadata and then retrieves the metadata according to the tag, in **Col. 6 lines 39-45** Sheth suggests that XML allows for creation of customized tags. In **Col. 4 lines 14-17** Sheth discloses automated content acquisition (retrieval means) may use metatags. Therefore it would have been obvious to one of ordinary skill to archive the tags created for later retrieval.

Still Sheth fails to mention a tag that points the archiving means that archives the metadata that explains the essence. In an analogous art, Meyerzon et al. discloses automatic tagging of documents . In particular Meyerzon discloses that metadata is data about data and metatags define the meta-data. In an HTML document metadata are connected with a metatag. **[Col. 1 lines 35-45]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Sheth and Meyerzon for recording pertinent data in the metadata for the convenience of the searcher.

Regarding Claims 7-12, 17, 18, and 25, Official Notice is taken of the production system wherein a post-production project is created from an essence. To create the project pre production or post production would have been obvious to one of ordinary skill in the art once the method has been demonstrated by Sheth **[Col. 4 line 54 – Col. 5 line 14]**.

Regarding Claim 13-16, Official Notice is taken of the archiving system. Examiner deems it equivalent of the asset management system showed in Claims 1-6. Archiving essence and managing it in a database is identical.

Regarding Claim 19 and 20 Sheth discloses a distribution method for allotting an essence, comprising the steps of: creating said essence and generating metadata pertinent to said essence; performing post-production processing on said essence; and allotting said essence using metadata generated at the time of said production **[Col. 5 line 5-12; *A distributed method and apparatus to quickly produce agents which automatically create and manage digital media metadata...*]**.

Regarding Claim 21, 23, and 24, Official Notice is taken of the authoring system. Examiner deems it equivalent of the production system showed above.

Regarding Claim 22, Sheth discloses the use of semantics to enhance (*edit*) relevant information that may not be present in the original source (*video programme*) [**Col. 5; line 10-12**].

Regarding Claims 29-32, Sheth disclose all of the limitation except the use of UMID and SMPTE labels. The **SMPTE 330M Unique Material Identifier (UMID)** is a standard for providing a stand-alone method for generating a unique label designed to be used to attach to media files and streams. Since it's merely an industry standard the inclusion of such a feature would have been obvious to one of ordinary skill in the art and hence is not patentable.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424